

REMARKS

Claims 1, 5, 6 and 7 have been amended.

In the Office Action dated November 12, 2003, the Examiner rejected applicant's claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by the published Aoyagi et al. U.S. Patent Application (Pub. No. 2001/0012112). In the Advisory Action dated April 1, 2004, the Examiner cited certain passages in the latter reference which the Examiner argues disclose "charge process operations" and "effecting a charge process or controlling a data process apparatus to effect a charge process." The Examiner's rejection of claims 1-7 is respectfully traversed.

Applicant's independent claims 1 and 5 have been amended to better define applicant's invention. Each claim is directed to a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus. Claim 1 further recites a decision unit for deciding which data processing apparatus is to effect a charge process for the predetermined process that both of the data processing apparatuses perform and a control unit for controlling the data processing apparatus decided by the decision unit to effect the charge process for both data processing apparatuses. Claim 5 further recites an information portion for informing the other data processing apparatus of information whether the data processing apparatus effects a charge process for the predetermined process or not, so that the other data processing apparatus decides which data processing apparatus is to effect the charge process for the predetermined process, and one of the data processing apparatuses effects the charge process for both data processing apparatuses. Applicant's independent claims 6 and 7 each

recite a method for controlling a data processing apparatus according to claims 1 and 5, respectively.

The above constructions of independent claims 1, 5, 6 and 7 prevent performing duplicate charge process operations, i.e., process operations for determining a charge or cost, in a plurality of devices, as described in applicant's specification, for example, at page 11, line 15-page 12, line 11 and as shown in Figures 3 and 4. Such constructions are not taught or suggested by the cited art of record.

In the November 12, 2004 Office action, with respect to the Examiner's rejections of independent claims 1 and 5 and independent claims 6 and 7, the Examiner has argued as follows:

"Aoyagi discloses a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising a decision unit for deciding which of said data processing apparatus is to effect a charge process (page 2, section 0019-0027); and a control unit for controlling one of said data processing apparatuses decided by said decision unit to effect the charge process for both of said data processing apparatuses (page 4, section 0047-0050)."

The Examiner has made similar conclusions and cited the same section (page 2, sections 0019-0027) of the reference with respect to claims 5-7.

In the Advisory Action, the Examiner cites page 2, section 0016, page 3, section 0022, page 7, section 0086, page 10, section 0119, page 12, section 0146-0148 and page 13-14, section 0160 as teaching "charge process operations." The Examiner further cites page 2, section 0013-0019, page 3, section 0022, page 7, section 0086, page 10, section 0119, page 12, section 0146-0148 and page 13-14, section 0160 as teaching "effecting a charge process or controlling a data processing apparatus to effect a charge process."

The newly cited passages of the Aoyagi et al. reference in the Advisory Action, like the passages of the Aoyagi et al. reference cited in the Office Action, simply do not teach or suggest making determinations as to charges or costs related to the use of the devices in the reference. At most these passages teach that a low cost print system can be manufactured because of the capability of printing data from a computer without a print controller. This teaching, however, has nothing to do with how to determine the charges or costs for the use of the disclosed devices.

Thus, applicant reiterates applicant's prior argument that the Aoyagi et al. reference does not teach effecting a charge process or controlling a data processing apparatus to effect a charge process. Moreover, there is clearly no teaching or suggestion of deciding which data process apparatus is to effect a charge process for a predetermined process that both data processing apparatuses perform. There also no mention in Aoyagi et al. reference of one data processing apparatus effecting a charge process for both data processing apparatuses.

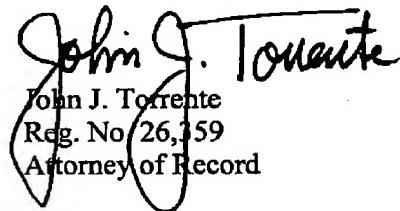
Accordingly applicant's claims 1 and 6, and their respective dependent claims, which recite deciding which data processing apparatus is to effect a charge process for the predetermined process that both of the data processing apparatuses perform and controlling the decided data processing apparatus to effect the charge process for both data processing apparatuses, patentably distinguish over the Aoyagi et al. reference. Likewise, claims 5 and 7, and their respective dependent claims, which recite informing a data processing apparatus of whether a data processing apparatus is to effect a charge process for a predetermined process or not and deciding which data processing apparatus is to effect the charge process for the predetermined process, so that one data processing apparatus effects the charge process for both data processing apparatuses, patentably distinguish over the Aoyagi et al. reference.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

If the Examiner believes that an interview would expedite consideration of this response or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 682-9640.

Dated: April 12, 2004

Respectfully submitted,


John J. Torrente
Reg. No 26,359
Attorney of Record

ROBIN BLECKER & DALEY
330 Madison Avenue
New York, New York 10017
T (212) 682-9640